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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,757	11/06/2001	Keith Homer Baker	7836XD2	7035

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EXAMINER

ELHILO, EISA B

ART UNIT PAPER NUMBER

1751

DATE MAILED: 06/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,757

Applicant(s)

BAKER ET AL.

Examiner

Eisa B Elhilo

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 6, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-14, 16-32, 35-39, 41-53 and 74 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-14, 16-32, 35-39, 41-53 and 74 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

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Claims 1-14, 16-32, 35-39, 41-53 and 74 are pending in this application.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14, 16-32, 35-39, 41-53 and 74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, is indefinite because the claim recites the limitation "and/or during and/or". It is unclear whether the shoes treating composition is applied prior, during or after washing the shoes with an aqueous medium. Clarification and/or correction is required.

Claims 2-14, 16-32, 35-39, 41-53 and 74 are dependent on rejected claim, therefore, these claims are rejected as well.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-14, 16-30, 35-39, 41-45, 47-51 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Buzzaccarini (US' 4,767,563).

De Buzzaccarini (US' 563) teaches a liquid cleaning composition for providing excellent cleaning characteristics on grease /oily soils and inorganic particulate soils as well as shoes (see col. 2, lines 4-9). The cleaning composition comprises cleaning ingredients (see col. 4, lines 16-

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18), from about 1% to 20% of surfactants such as nonionic ethoxylate surfactants of fatty acids (see col. 3, lines 60-64 and col. 4, lines 10-15), polyacrylates (see col. 4, line 49), alkanolammonium salts of fatty acids as disinfecting agent (see col. 4, lines 37-38), deterative enzymes (see col. 4, line 60), water-soluble phosphates (see col. 4, line 22-24), alkaline pH modifiers such as sodium hydroxide (see col. 5, lines 16-18), optical brighteners (see col. 4, line 59), perfumes (see col. 2, line 64). Regarding claims 17 and 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to estimate the ratio of the water absorption on the shoes and also to estimate the ratio of the friction between shoes because the reference teaches a composition for cleaning and polishing shoes including similar ingredients to those claimed and may have similar properties.

The instant claims differ from the reference by reciting a cleaning composition that includes instructions for using the treating composition. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that any commercial product should include instructions for use and a person of ordinary skill in the art would expect such instructions to provide excellent cleaning properties.

3 Claims 1-3, 9-10, 13-14, 31-32, 36, 46-47 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. (US' 5,306,444).

Kitamura (US' 444) teaches detergent composition for shoes cleaner and shoes polish (see col. 3, lines 5-9). The detergent composition comprises sterilizers such as benzalkonium chloride and chlorohexidine gluconate (see col. 8, lines 13-16), perfumes (see col. 5, line 45), surfactants such as anionic and nonionic surfactants (see col. 5, lines 40-41) and oils (see col. 5,

line 45). The cleaning composition may be in any desired form such as liquid, lotion, cream or solid (see col. 8, lines 35-39).

The instant claims differ from the reference by reciting cleaning composition for leather shoes. However, it would be obvious to one having ordinary skill in the art to use such composition for cleaning leather shoes because the reference teaches a leather product detergent for cleaning shoes (see col. 3, lines 8-9). The person of the ordinary skill in the art would expect such detergent composition to have similar properties to those claimed, unexpected results.

4 Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldanski et al. (US' 5,431,840).

Soldanski (US' 840) teaches cleaning composition for leather shoes (see col. 1, lines 49-51). The composition comprises cleaning agents, anionic and nonionic surfactants, polyacrlates, fragrances, C_{12/14} fatty alcohol ethoxylate and wax (see col. 3, line 38 and col. 4, lines 12-31).

The instant claims differ from the reference by reciting alkyl ethoxylates with an average degree of ethoxylation. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make such a composition because the reference teaches ethoxylate compounds that have alkyl ethoxylates within the limit of the alkyl ethoxylates of the claimed compounds. The person of the ordinary skill in the art would expect such detergent composition to have similar properties to those claimed, unexpected results.

5 Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (US' 5,482,644).

Nguyen (US' 644) teaches detergent composition for cleaning athletic shoes (see col. 3, lines 28-33). The composition comprises surfactants such as coconut oil soap (see col. 3,

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Example I) and liquid detergent for binding heavy metal such as chromium (see col. 2, lines 30-31).

The instant claims differ from the reference by reciting a chromium-binding agents that capable of binding Cr with a log K binding constant of more than about 12. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make such a cleaning composition because the reference teaches detergent composition that used to bind and remove traces of heavy metals, such as chromium (see col. 2, lines 30-31). The person of the ordinary skill in the art would expect such composition to have similar properties to those claimed, unexpected results.

Conclusion

6 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M-F (7:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Mark Kopec
Primary Examiner

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Eisa
June 4, 2002


Mark Kopec
Primary Examiner